

SECOND REGULAR SESSION

HOUSE BILL NO. 2052

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOHNSON.

6276L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles and motortricycles, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 302.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.020, to read as follows:

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **2. Except as provided in subsection 3 of this section,** every person operating or riding
18 as a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any
19 highway of this state shall wear protective headgear at all times the vehicle is in motion. The
20 protective headgear shall meet reasonable standards and specifications established by the
21 director.

22 **3. Notwithstanding subsection 2 of this section, any person twenty-one years of age**
23 **or older may operate a motorcycle or motortricycle upon any highway of this state without**
24 **wearing protective headgear when such person has obtained a helmet-free endorsement**
25 **from the department of revenue. The department of revenue shall issue a helmet-free**
26 **endorsement on the driver's license of any applicant who provides satisfactory proof of at**
27 **least twenty thousand dollars in personal injury protection (PIP) insurance that is in effect**
28 **for a minimum of two years. At the time the helmet endorsement is issued, the department**
29 **shall also issue to the applicant a small circular sticker indicating the expiration year of the**
30 **PIP policy, to be placed on the licensee's motorcycle license plate. The design and size of**
31 **the sticker shall be determined by the department of revenue, with the color of the sticker**
32 **to change each year. The cost of the new driver's license issued with the helmet-free**
33 **endorsement and the license plate sticker shall be paid by the motorcycle licensee.**

34 **4.** Notwithstanding the provisions of section 302.340 any person convicted of violating
35 subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation
36 of subdivision (1) or (2) of subsection 1 of this section shall be punishable by a fine not to exceed
37 three hundred dollars. A second violation of subdivision (1) or (2) of subsection 1 of this section
38 shall be punishable by imprisonment in the county jail for a term not to exceed one year and/or
39 a fine not to exceed one thousand dollars. Any person convicted a third or subsequent time of
40 violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony.
41 Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of
42 subsection 1 of this section is a misdemeanor, the first violation punishable by a fine not to
43 exceed three hundred dollars, a second or subsequent violation of this section punishable as a
44 class C misdemeanor, and the penalty for failure to wear protective headgear as required by
45 subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars
46 may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no
47 court costs shall be imposed upon any person due to such violation. No points shall be assessed
48 pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty
49 and prior findings of guilty shall be pleaded and proven in the same manner as required by
50 section 558.021.

✓